

REMARKS/ARGUMENTS

This paper responds to a telephone request for an amended abstract. The amendment does not relate to any statutory requirement.

The Examiner requested a replacement abstract of 150 words or less, even though the rules at the filing date permitted a longer abstract, and the new abstract rule, 37 C.F.R. § 1.72(b), does not meet requirements for retroactive effect. *Bowen v. Georgetown University Hospital*, 488 U.S. 204, 208 (1988) ("Retroactivity is not favored in the law. Thus, ... administrative rules will not be construed to have retroactive effect unless their language requires this result. ... [An agency's] rulemaking authority will not ... be understood to encompass the power to promulgate retroactive rules unless that power is conveyed by Congress in express terms.")

Nonetheless, the amended abstract is provided solely as an accommodation to current formal requirements for word count, subject to the understanding that the abstract is not to be used to interpret the claims of this application or any other, and is not to be construed as a surrender of subject matter, in the Office or elsewhere.

In view of the amendments and remarks, Applicant requests that the application be passed to issue in due course. The Examiner is urged to telephone Applicant's undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 23-2405, Order No. 114596-07-4014.

Respectfully submitted,

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Dated: April 27, 2006

By: 

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